

**SUNSHINE ORDINANCE
TASK FORCE**



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ORDER OF DETERMINATION
June 5, 2017

DATE ISSUED
May 3, 2017

CASE TITLE – Ann Treboux v. Margaret Baumgartner and the Office of the City Attorney (File No. 17023)

FACTS OF THE CASE

On March 30, 2017, the following petition/complaint was filed with the Sunshine Ordinance Task Force (SOTF):

File No. 17023: Complaint filed by Ann Treboux against Margaret Baumgartner and the Office of the City Attorney, for allegedly violating Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a complete and/or timely manner.

HEARING ON THE COMPLAINT

On April 25, 2017, the Complaint Committee (Committee) acting in its capacity to hear petitions/complaints heard the matter and referred it to the Task Force for hearing.

Ann Treboux (Petitioner) provided a summary of the complaint and requested the Committee to find violations. John Cote, Office of the City Attorney (Respondent) provided a summary of the department's position and acknowledged that the response was late. Mr. Cote stated that the original request for records provided an incorrect reference number. Mr. Cote stated that his request for clarification was sent to Ms. Baumgartner instead of to himself which contributed to the delay in the response. A question and answer period followed. The parties were provided an opportunity for rebuttals.

On May 3, 2017, the SOTF held a hearing to review the recommendation from Committee and to review the merits of the petition/complaint.

Member Tesfai provided a summary of the Committee hearing and recommendation on the matter. It was noted that the parties agreed with the recommendation of the Committee and the appearance of the parties at the Task Force hearing was waived.

Ann Treboux (Petitioner) provided an overview of the complaint and requested that the Task Force find violations. There were no speakers in support of the Petitioner. There were no speakers in support of the Respondent. A question and answer period followed. The Respondent and Petitioner were provided the opportunity for rebuttals.

FINDINGS OF FACT AND CONCLUSION OF LAW

Based on the testimony and evidence presented the SOTF found that Margaret Baumgartner and the Office of the City Attorney Office of the Treasurer and Tax Collector violated Administrative Code (Sunshine Ordinance), Section 67.21(a).

ORDER OF DETERMINATION

Member Tesfai, seconded by Member Maass, moved to find that Margaret Baumgartner and the Office of the City Attorney violated Administrative Code (Sunshine Ordinance), Section 67.25, by failing to respond to an Immediate Disclosure Request in a timely manner.

The motion PASSED by the following vote:

Ayes: 8 – Eldon, J. Wolf, Tesfai, Maass, Fischer, Hinze, Hyland, B. Wolfe

Noes: 0 – None

Absent: 2 – Chopra, Cannata



Bruce Wolfe, Chair
Sunshine Ordinance Task Force

- c. Ann Treboux (Petitioner/Complainant)
John Cote, Office of the City Attorney (Respondent)
Margaret Baumgartner, Office of the City Attorney (Respondent)